IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.4951 of 2007
KUNTI DEVI
Versus
STATE OF BIHAR & ANR
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5. 27.8.2008. Heard the learned counsel for the petitioner as also the learned A.P.P. for the State.

The grievance of the petitioner is against the order dated 29.10.2005 passed in Complaint Case No. C- 49 of 2005, whereby Mr. S.K. Upadhayay, the learned Judicial Magistrate, Ist Class, Sikarhana at Motihari, has taken cognizance against the petitioner under Section 304-B/34 I.P.C.

The grievance of the petitioner is that after the police had submitted a final form against the petitioner both in the U.D.case as also Ghorasahan P.S. Case No.98 of 2004, registered on the basis of the fardbeyan given by the informant, Ramekbal Prasad Srivastava, the learned Magistrate has taken cognizance in the inquiry under Section 202 Cr.P.C. on the basis of the protest petition filed by the informant.

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It is by now well settled in the case of Chandra Deo Vs. Parkash Chandra (AIR 1963 SC 1430) that in any inquiry under Section 202 Cr.P.C. the Magistrate cannot look into anything beyond what has come in the evidence in course of the inquiry under Section 202 Cr.P.C.

In view of the categoric decisions of the Apex Court, there is no merit in this application which is accordingly dismissed.

(Abhijit Sinha,J)

P.S.